

DOMESTIC RELATIONS COMMITTEE

Meeting Minutes – April 25, 2003

PRESENT:

Hon. Karen Adam
Hon. Mark Anderson, Co-Chair
Sidney Buckman
Kat Cooper
Nancy Gray
William Hart
Terrill Haugen
Hon. Karen Johnson, Co-Chair

Jennifer Jordan
Karen Kretschman for Janet Scheiderer
Ella Maley
Hon. Dale Nielson
Steve Wolfson
Brian Yee
Jeff Zimmerman

NOT PRESENT:

Rene Bartos
Frank Costanzo
Beverly Frame
Gordon Gunnell
David Norton

Steve Phinney
Beth Rosenberg
Ellen Seaborne
Kelly Spence
Debbora Woods-Schmitt

GUESTS:

Clarence Cramer
Therese Martin
Jennifer Greenfield
Wanda Weber

Pinal County Conciliation Court
Office of the Attorney General
Dept. of Economic Security
Maricopa County Conciliation Court

STAFF:

Megan Hunter
Isabel Gillett

Marianne Hardy

CALL MEETING TO ORDER

The meeting was opened at 10:18 a.m. by Rep. Karen Johnson without a quorum present. She thanked the members for their dedication to the committee by arriving on time and attending most or all of the meetings. The minutes were tabled for approval when a quorum is reached.

Senator Mark Anderson was appointed as the Senate co-chair replacing Senator Mary Hartley. Senator Anderson represents Mesa and has been a member of the Domestic Relations Committee since 1995. Senator Bill Brotherton was appointed as the Senate member replacing Senator David Petersen. William (Bill) Hart was appointed as the representative of a statewide domestic violence coalition replacing Daniella Yaloz.

Representative Johnson reviewed the Domestic Relations Committee charge to help keep the group on track. A.R.S. § 25-323.02 requires the Committee to prepare a plan for an Integrated Family Court, and to recommend changes to domestic relations statutes, rules and procedures, and other issues designed to lead to a reform of the domestic relations statutes. She encouraged members to come to these meetings with suggestions for meeting the charge, looking at such issues from a committee perspective rather than a personal viewpoint.

LEGISLATIVE UPDATE

MARIANNE HARDY

Legislation produced from the Domestic Relations Committee:

HB 2257 – Visitation Rights; Grandparents

Passed the House and Senate and has been signed by the Governor and chaptered.

HB 2258 – Child Custody; Jurisdiction

Currently on the consent calendar where it is scheduled to be third read in Senate, then will go directly to the Governor for signature.

Legislation sponsored by Representative Johnson:

HB 2259

This bill would add two legislators to the DRC membership list. The bill was struck in Senate Family Services Committee. Representative Johnson refused to accept amendments made in the Senate so the original bill went to conference committee with an amendment. The amendment adds a noncustodial parent appointed by the Senate President, a custodial parent appointed by the Chief Justice, and transferred one of the Governor's appointments to the House Speaker. The amendment also eliminates two of the parental positions. 2002 legislation changed the composition of the committee and gave the Governor five appointments. Governor Hull replaced several existing members of which of her appointees have never attended. The Committee is primarily of a legislative/judicial nature; according to Rep. Johnson, giving appointing authority back to those two entities will bring the Committee back in line.

Other Domestic Relations Legislation:

HB 2304 – Dissolution of Marriage; Real Property

Died in the Senate. Representative Yarbrough may be willing to bring this before this Committee prior to introduction next year.

APPROVAL OF MINUTES

A quorum was reached.

MOTION: Sid Buckman – Approve the minutes of the March 21, 2003 meeting as submitted. Second by Commissioner Adam. Approved unanimously.

PARENT EDUCATION PROGRAM

Dr. Wanda Weber, Parent Information Program Director, Maricopa County. Maricopa County Superior Court oversees the mandated program called “Parent Information Program” and a separate program for high conflict litigants called “Parental Conflict Resolution.”

Parent Information Program:

2002 statistics

- 27,192 parties ordered to attend
- 16,993 actually attended
- \$65,500 approximate program cost
- \$4 per participant is reverted back to the court for administrative costs
- more female parties attend than male
- 27% of female and 30% of male participants report domestic violence
- 74% of participants are divorcing; 26% have never been married
- classes out-sourced to 12 independent providers in 40 locations
- classes offered in Spanish; also offered for the hearing impaired

Parental Conflict Resolution (High Conflict) Class:

- for families in high conflict, i.e., usually a history of repeated litigation
- no fee for participation; federal access and visitation funds utilized instead
- parties court-ordered to attend
- classes conducted in-house

Clarence Cramer, M.A., Conciliation Court Director in Pinal County Superior Court, oversees the Parent Education Class in Pinal County.

Parent Education Class:

2002 statistics

- 901 parties completed the class
- 2-hour videotape provided for out-of-county or out-of-state participants
- video attendees are required to pass exam with 70% score
- more females attend than males
- parties report that they initially objected to attending the class, but ended up enjoying and learning useful skills

- 98% report the class as useful to somewhat useful
- 45% of all attendees report domestic violence
- class offered in Spanish
- 4-hour classes conducted in-house by court (currently in Coolidge only, but seeking to expand to other locations)
- system in place to prevent parties to the same case from attending the same class
- class applicable to both married and never-married participants

Problems encountered:

- security; classes are provided in a county building with security so daytime classes are not a problem - to accommodate parties' work schedules, evening and/or weekend classes need to be provided, but security is not available without significant cost
- 10-15% no-show/cancellation rate

Discussion:

Judge Nielsen has observed that as ugly as a divorce is at the beginning, parties tend to calm down and become more conciliatory after they have attended the class. The court also benefits because parties seem more likely to settle after the class. Others commented that the class promotes and prepares parties for mediation; in theory, parents are required to attend the class prior to mediation. Senator Anderson asked if pre-marital counseling would be helpful. Both Mr. Cramer and Dr. Weber agreed that it would be helpful.

HB 2017 was recently passed by the Legislature and raises the parent education class fee from \$30 to a ceiling of \$50; the bill is on the Governor's desk. The increase was sought because class providers were not breaking even.

Non-attendance of parent education classes is seen statewide. Those who do not attend can still get a divorce, but cannot get joint or sole custody and cannot have any affirmative relief concerning custody or parenting time until the class is completed. A party can also be held in contempt. Members raised concerns about non-attendance rates. Mr. Cramer and Dr. Weber explained that some who do not attend have reached agreement to not attend and others could be by default. Members encouraged the Education/Prevention workgroup to look into remedies for making stiffer penalties for non-attendance.

Terrill Haugen and Steve Phinney, along with the Education/Prevention workgroup, have been discussing and researching the possibility of creating a children's divorce education program in Arizona. They plan to seek creative funding sources in an attempt to relieve the courts and Legislature from further financial burden. They invite input from the Committee and will report to the group at each meeting with a goal of introducing legislation in 2004. Members urged the workgroup to carefully consider the resource issue.

INTEGRATED FAMILY COURT (IFC)

Karen Kretschman reported on the status of the IFC pilot projects. Three counties initially volunteered to initiate pilot projects: Maricopa, Pinal and Coconino. Maricopa County will continue their existing program and expand to the Durango site to take on more cases. They have made alterations to enhance their automated system. Pinal County is experiencing difficulty finding a judge to serve as the IFC presiding judge and they have not found the funds necessary to accomplish the project. Coconino County will hold the first meeting of their IFC local committee on April 29. Judge Newton has concerns about maintaining existing services, let alone expanding on them. The Supreme Court does not have funding sources for the projects this year or next. Each court is expected to submit a report to the AOC in June and Karen will report to the Committee in July.

BREAK/LUNCH

The meeting was called back to order at 12:49 p.m.

WORKGROUP REPORTS

Substantive Law – Jeff Zimmerman

The group will start reviewing child custody reform issues for introduction in 2004.

Court Procedures – Brian Yee

The group will study parent education issues; particularly the dilemma of non-attendance.

The group will also work on board reform, i.e. allegedly, regulatory boards are being used by advocacy groups to compromise the family court system and there is a potential for decreasing choice and increasing expense. Reports are coming in that the regulatory board is being used to harass custody evaluators, family court advisors and therapeutic interventionists. The group will study the question of whether there should be a mechanism for litigants to have some redress rather than going to the board, and also a mechanism for quality assurance that doesn't result in harassment.

The group will also pursue the notion of a dedicated family bench either statutorily or by reviewing the comments concerning a dedicated family bench made by then Chief Justice Zlaket and then Vice Chief Justice Jones to this group in October 2001. Chief Justice Jones will be invited to upcoming Committee meetings for collaboration purposes. The group will study allowing family law judges to stay where they are and attempt to affect the trial court membership and procedures to encourage and foster the appointment of family practitioners to the bench. Karen Kretschman pointed out that we need to remember that the Committee's statutory charge is not intended just to study civil rules of procedure, but all domestic relations statutes, rules and procedures that affect family law.

Jennifer Jordan requested a presentation on the Model Parenting Time Plan because it has made major changes from the methods and materials used by counties in the past. The Committee may want to take action and adopt a model parenting time plan. Leah Pallin-Hill will be invited to provide the presentation and a copy of the Plan will be sent electronically to members.

Education/Prevention – Terrill Haugen

Members will attend a parent education class and a high conflict class.

CALL TO THE PUBLIC

No members from the public were present.

NEXT MEETING

The next meeting will be held on May 30, 2003, at the Arizona State Courts Building, 1501 W. Washington, Conference Room 119.

ADJOURNMENT

Rep. Johnson adjourned the meeting at 1:12 p.m.